

ORIGINAL

ORDINANCE NO. 324

AN ORDINANCE GRANTING TO HARRY E. MAHAHEY
A FRANCHISE TO ESTABLISH, AND, FOR A PERIOD COMMENCING WITH THE WFECTIVE
DATE OF THIS ORDINANCE AND CONTINUING FOR A PERIOD OF TEN (10)
CALENDAR YEARS THEREAFTER, TO CONDUCT, MAINTAIN AND OPERATE ON REGULAR
SCHEDULES, INTRA-MUNICIPAL MGTOR BUS LINES FOR THE TRANSPORTATION OF
PASSENGERS AND THEIR HAND BAGGAGE FOR HIRE, WHOLLY WITHIN THE CITY OF
LODI, CALIFORNIA, OVER, UPON AND ALONG THE STREETS, HIGHWAYS, ALLEYS,
BOULEVARDS, AVENUES, ROADS AND OTHER PUBLIC PLACES HEREINAFTER PRESCRIB-
ED AND FIXING THE COMPENSATION AND SPECIFYING THE TERMS AND CONDITIONS
OF SAID FRANCHISE.

WHEREAS, on the 19 day of DECEMBER 1945, one _____
HARRY E. MAHAHEY filed with this City Council of the City of
Lodi, California, a municipal corporation of the sixth class situated in
the County of San Joaquin in said State, an application for a franchise
to conduct, maintain and operate, on regular schedules, intra-municipal
motor bus lines for the transportation of passengers and their hand
baggage, for hire, wholly within said City of Lodi, over, upon and along
streets, highways, alleys, boulevards, avenues, roads and other public
places therein, and ,

WHEREAS, at its regular meeting held on the 20th day of March
1946 said City Council received said application and directed an adver-
tisement of the fact of said application, together with a statement that
it proposed to grant the same, and ,

WHEREAS, said advertisement, as so directed, was published in the
MDI NEWS - SENTINEL, a newspaper of general circulation in the
City of Lodi, County of San Joaquin, State of California, being a news-
paper published daily except on Sundays and Holidays in said City, once
each day for ten (10) successive days on which said newspaper was published,
the full publication having been completed not less than twenty (20) nor
more than thirty (30) days prior to any further action on said application,
and, (1)

WHEREAS, said advertisement, published as aforesaid, stated the character of the franchise or privilege proposed to be granted, the term for which it was to be granted, that sealed bids would be received at the office of the City Clerk of the City of Lodi in the City Hall thereof until the hour of 10 o'clock A. M. of Wednesday the 1st day of May 1946, that the successful bidder and his assigns must, during the life of said franchise, pay to the City of Lodi two percentum (2%) of the gross annual receipts of the person, partnership or corporation to whom the franchise might be awarded, arising out of its use, operation or possession, and, that such franchise would be struck off, sold and awarded to the person making the highest bid therefor in the manner provided by statute, and,

WHEREAS, said HARRY E. MAHAFFEY did file with said City Clerk, as aforesaid, before 10:00 o'clock A.M. on the first day of May 1946, his sealed bid for said franchise, bidding the sum of Five Dollars (\$ 5.00) therefor and enclosing with said bid cash in the full amount of said bid, to-wit, Five Dollars (\$ 5.00), and,

WHEREAS, said sealed bid, being the only bid received was opened by said City Council at the hour of 8:00 o'clock P.M. on the 1st day of May 1946, publicly and in open meeting of said City Council and ,

WHEREAS, thereupon, by motion duly made, seconded and carried at the regular meeting of said City Council held May 1st. 1946, the said franchise was struck off, sold and awarded to said Harry E. Mahaffey, the person making the highest bid therefor, as aforesaid, now therefore:

The City Council of the City of Lodi does ordain as follows :

Section 1. There is hereby granted to Harry E. Mahaffey, hereinafter referred to as the Grantee, a franchise to establish, and for a period commencing with the effective date of this ordinance and continuing for ten (10) years thereafter, to conduct, maintain and operate, on regular schedules, intra-municipal bus lines for the transportation of

passengers and their hand baggage , for hire, wholly within the City of Lodi, over, upon and along streets, highways, alleys, boulevards, avenues, roads and other public places therein, subject however to all the covenants, conditions, restrictions and limitations ~~elsewhere~~ contained in this ordinance.

Section 2. The operation of said motor bus lines shall be over such streets, ~~highways~~, alleys, boulevards, avenues, roads and other public places in the City of Lodi now existing ~~or~~ that may be added thereto by annexation, as may be fixed ~~and~~ established from time to time by resolution of the City Council of said City, under and upon reasonable ~~terms~~, regulations and notice to said Grantee.

Section 3. The Grantee shall pay to the City of Lodi two percentum (~~2%~~) of the gross annual receipts arising from his use, operation and possession of this franchise, provided however, that no percentage shall be paid for the first five (~~5~~) years succeeding the effective date of this franchise, but thereafter such percentage shall be payable ~~annually~~.

Section 4. The complete operation of ~~all~~ motor bus lines in full accordance with this franchise shall ~~commence~~ at the hour of six o'clock A. M. of the ~~day~~ upon which this franchise ~~becomes~~ effective.

Section 5. The operation under this franchise shall be commenced with not less than two (~~2~~) motor busses, Thereafter, the ~~amount~~ of ~~equipment~~ and number of busses, giving due consideration to their individual seating capacity, shall be at ~~all~~ times sufficient to reasonably provide for all traffic offered and to maintain the prescribed schedules and to keep the service at the highest practicable standard of efficiency. Additional busses shall be added, from ~~time~~ to time, ~~as~~ may be reasonably necessary, at the discretion and upon the order of the City Council, after reasonable notice to the Grantee. All equipment shall be subject to constant inspection by said City Council and shall be kept in the highest ~~practicable~~ working order by the Grantee at all times. All equipment that may become unsafe, unserviceable or inadequate shall be retired from regular service upon the order of said City Council ~~determining~~ such unsafe condition or such inadequacy or unserviceability.

Section 6. The fare, one way, over any of the routes or lines established under this Franchise, and any and all extensions, alterations and amendments, reroutings or additions thereto within the limits of the City of Lodi as said city limits exist at the effective date of this franchise, shall not be less than five (5) cents nor more than ten (10) cents, and shall be fixed from time to time within said limits by said City Council. Children under five (5) years of age while not occupying seats shall be carried free of charge. The Grantee shall issue no passes nor transport any persons, other than its officers or employees, free of charge without presentation of a valid pass issued by the Grantee upon request of the City Council. Commutation tickets at reduced fares may be issued to persons making twenty (20) or more trips per month, school children and letter carriers under such regulations as the City Council may prescribe,

Section 7. From and after the commencement of operations under this franchise, the Grantee shall operate his motor busses every day over the whole length of each of his routes or lines at sufficiently frequent intervals and at such hours as may be reasonably necessary to accommodate the traffic offered and in accordance with the regulations of the Grantee made from time to time with the City Clerk and as approved by the City Council. Provided, however, that such schedules may not be effective should Grantee be prevented therefrom by storm, floods, riots, strikes or other causes beyond his control. All schedules under which motor busses shall be operated shall be approved by resolution of the City Council before being placed in effect and shall be written or printed and filed with the City Clerk of the City of Lodi.

Section 8. In the event that ^apublic way traversed by the motor bus lines herein may be closed for any reason or be impassable, motor busses may take detours using the nearest passable parallel streets for the shortest possible distance to avoid such closed or impassable portions,

Section 9. Grantee, before the operation of any motor bus under this franchise, shall acquire a policy of insurance executed by a company duly authorized to do an insurance business in California wherein said company

promises and undertakes to pay in full all claims for damages to persons or property arising out of the operation of lines of motor busses under this franchise, provided that the ~~maximum~~ amount for which such liability shall be assumed for injury to or death ~~of~~ one person in any one accident shall be Ten Thousand Dollars (\$10 000.00) and injury to or death of more than one person in any one accident shall be Twenty Thousand Dollars (\$ 20 000.00), and the ~~maximum~~ amount of the liability assumed for injury to or destruction of property in any one accident shall be Five Thousand Dollars (\$ 5 000.00). Said policy of insurance shall be kept in full force at all times during the life of this franchise and a certified copy thereof shall be filed with the City Clerk. Said policy of insurance shall be approved by the Mayor as to sufficiency and by the City Attorney as to form.

Section 10. Grantee shall not sell, lease, assign or transfer any of the rights or privileges granted by this franchise unless such sale, lease, assignment or transfer shall have been approved by resolution of the City Council.

Section 11. Should the Grantee be adjudicated a bankrupt or become insolvent or seek the ~~xxx~~ benefits of any act of Congress or of the State Legislature now or hereafter in effect, during the term of this franchise, for the financial relief of debtors, the City Council may, in its discretion, immediately terminate all the rights granted by this franchise upon service of ten (10) days written notice of such election upon Grantee by registered mail.

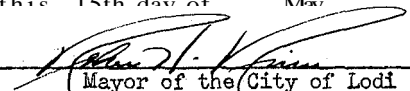
Section 12. The Grantee shall indemnify and save free and harmless the City of Lodi, its officers and employees, against and from all damages, judgements, decrees, costs and expenditures which it or they may suffer or which may be recovered from or obtained against them during the term hereof for or by reason of acts done by said Grantee or growing out of or resulting from the exercise of any or all of the rights granted by this franchise by said Grantee, his servants or agents.

Section 13. The Grantee shall file a bond running to the City of Lodi with at least two good and sufficient sureties or by an insurance company licensed to do insurance business in this state, in the penal sum of two thousand dollars (\$ 2,000.00) (5)

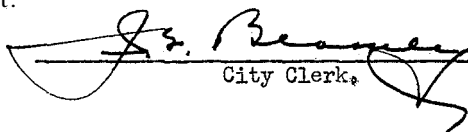
conditioned that the Grantee shall well and truly observe, fulfill and perform each and every term and condition of this franchise and that in any case of any ~~breach~~ breach thereof, the whole amount of the penal sum therein named shall be taken by said City and deemed to be liquidated damages and shall be recoverable from the principal and his sureties upon said bond. Such bond, after its approval by the City Council, shall be filed with the City Clerk.

Section 14. The City Clerk shall certify to the passage of this ordinance by the City Council of the City of Lodi and cause the same to be published one time in The Lodi Times, a newspaper of general circulation printed and published in said City, within fifteen days after said passage and said ordinance shall become effective and be in force thirty (30) days after its final passage,

Approved this 15th day of May 1946


Mayor of the City of Lodi
Mayor of the City of Lodi

Attest:


City Clerk

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State of California,
County of San Joaquin,
City of Lodi

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I, J. F. BLAKELY, City Clerk of the City of Lodi, California do hereby certify that the whole number of members of the City Council of said City is five (5); that the foregoing Ordinance No. 324 was regularly introduced in said City Council on the 1st day of May 1946 and was thereafter passed and adopted at a regular meeting of said City Council held on the 15th day of May 1946 by the following vote:


AYES: Councilmen LYTLE, RIGGS, HASKELL, TOLLIVER AND RINN.

NOES: Councilmen NONE

ABSENT: Councilmen NONE

I further certify that said Ordinance No. 324 was approved and signed by the Mayor on the date of its final passage and adoption.

WITNESS my hand and the seal of said City this 15th day of May 1946


City Clerk